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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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11 THOMAS WORMUTH, M.D., )  
12 Plaintiff(s), ) No. C03-3943 VRW (BZ)  
13 v. ) **ORDER TO SHOW CAUSE**  
14 RAUL V.AGUILAR, Individually,)  
15 ALLEN J. KENT, Individually,)  
AGUILAR & SEBASTINELLI, a )  
16 Professional Law )  
Corporation, )  
17 Defendant(s). )  
\_\_\_\_\_ )

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On March 22, 2004, I issued an Order Setting Settlement Conference scheduling a settlement conference for Tuesday, July 13, 2004. The settlement conference was continued a number of times, and eventually set for Tuesday, September 6, 2005 at 10:00 a.m.

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On September 6, 2005, plaintiff Dr. Thomas Wormuth from Georgia, and related plaintiff Dr. Wayne C. Furr from Colorado, appeared for the settlement conference along with their counsel, all of whom were from Georgia.

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Defendants Aguilar & Sebastianelli appeared with their

1 counsel Thomas D'Amato and defendant Allen J. Kent appeared  
2 with counsel Philip Scott Ryan. No one appeared on behalf of  
3 Kemper Insurance Company, defendants' insurance carrier, even  
4 though the Order Scheduling Settlement Conference required its  
5 appearance and Kemper's request to be excused from personally  
6 attending was denied by written order dated April 23, 2004.

7 The absence of Kemper made the negotiations more  
8 difficult, and protracted the settlement conference for over  
9 an hour while Mr. D'Amato unsuccessfully tried to locate the  
10 Kemper representative to authorize the settlement which was  
11 finally reached the next day.

12 For the foregoing reasons, Kemper Insurance Company is  
13 **ORDERED TO SHOW CAUSE** in person, on **October 12, 2005 at**  
14 **10:00 a.m.**, in Courtroom G, 15th Floor, Federal Building, 450  
15 Golden Gate Avenue, San Francisco, California, why it should  
16 not be held in contempt or other sanctions should not be  
17 imposed upon them under 18 U.S.C. §636(e) or Federal Rule of  
18 Civil Procedure 16(f). A copy of this order shall be served  
19 on Kemper's general counsel.

20 Dated: September 8, 2005



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21 Bernard Zimmerman  
22 United States Magistrate Judge

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